



June 24, 2008

Brian J. Sullivan
Murphy Sullivan Kronk
275 College Street PO Box 4485
Burlington, VT 05406-4485

Jurisdictional Opinion #7-261

RE: Request for Jurisdictional Opinion Received on May 15, 2008
Proposed "TMA" System on Existing Tower Structure, Derby
Act 250 Permit #7R1123 and Amendments

Dear Brian,

Thank you for inquiring about Act 250 permit requirements for the above-referenced project, and for submitting detailed project information via letter and attachments received on May 15, 2008. As requested, I am writing to provide my opinion regarding Act 250 jurisdiction.

Reference is hereby made to your submittal with attachments, dated May 14, 2008, for a detailed project description. I note in particular that the project will not increase RF emissions. Also, in my opinion, the project will have negligible aesthetic impact. The described project is not a *material change* to the previously permitted (and previously amended) #7R1123 development, pursuant to Natural Resources Board Rule 2(c)(6). I conclude that an Act 250 permit is not required.

Please feel free to call me if you have any questions, or if you would like our office to issue this determination to other potentially interested persons, pursuant to 10V.S.A § 6007 (c).

Sincerely

Kirsten Sultan, P.E., Coordinator

c: District Commission

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Ctr. Bldg., Drawer 20, Montpelier, VT, 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. #802-828-1660).

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